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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,135	04/19/2000	Naoki Oguchi	FUJZ 17.260	3482

7590 08/14/2003

Helfgott & Karas P.C.  
Empire State Building  
60th Floor  
New York, NY 10118

[REDACTED] EXAMINER

HA, YVONNE QUY M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2697

DATE MAILED: 08/14/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/552,135	OGUCHI, NAOKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yvonne Q. Ha	2697	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 April 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: References 90, 300 of figure 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller et al. (US Patent 6,480,489).

Referring to Claim 1, Muller discloses a packet processing device for processing a layered communication protocol (figure 1, col. 5, lines 6-11) comprising; a receiving buffer of an upper layer (col. 4, lines 40-42, using transport protocol, i.e. Layer 4; col. 5, lines 15-25), a first means for notifying a free space of the receiving buffer (col. 4, lines 66-67; col. 5, lines 1-8 free descriptor references an empty buffer), a second means for reassembling a plurality of receiving packets into a single big packet based on the free space to be transmitted to the receiving buffer

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(col. 4, lines 48-60), and a third means for determining a size of the big packet based on the free space (col. 55, lines 45-53; col. 56, lines 7-9).

Referring to Claim 2, Muller discloses all aspects of the claimed invention and further teaches the first means is included in the upper layer (col. 7, line 50) and notifies the free space to the third means (col. 56, lines 15-24; col. 57, lines 14-18).

Referring to Claim 3, Muller discloses all aspects of the claimed invention and further teaches the first means comprises a backward packet inclusive information reading circuit for detecting the free space based on information within a backward packet from the upper layer (col. 8, lines 15-28).

Referring to Claim 4, Muller discloses all aspects of the claimed invention and further teaches the upper layer comprises a transport layer (col. 9, lines 47-55).

Referring to Claim 5, Muller discloses all aspects of the claimed invention and further teaches the upper layer comprises an application layer and the big packet is transmitted not through a buffer of a transport layer but directly to the receiving buffer (col. 9, lines 47-55; figure 10, reference 1004).

Referring to Claim 6, Muller discloses all aspects of the claimed invention and further teaches a connection identifying circuit for identifying a connection of the receiving packets, the second means reassembling the big packet for each connection based on identification information of the identifying circuit (col. 9, lines 53-55; col. 41, lines 8-28; figure 6A, reference 614).

Referring to Claim 7, Muller discloses all aspects of the claimed invention and further

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teaches a checksum calculating circuit for adding a checksum to the big packet (col. 65, lines 16-18; figure 12B, reference 1260).

Referring to Claim 8, Muller discloses all aspects of the claimed invention and further teaches the third means has a timer for giving the second means instructions for transmitting the big packet to the receiving buffer when a predetermined time elapses (col. 39, lines 1-4, lines 55-56).

Referring to Claim 9, Muller discloses all aspects of the claimed invention and further teaches the third means gives the second means instructions for assigning the big packet to the receiving buffer at a time when the big packet attains a size for issuance of an acknowledgement packet from the upper layer (col. 5, lines 1-36).

Referring to Claim 10, Muller discloses all aspects of the claimed invention and further teaches the second means assembles the big packet with a first receiving packet including a header and subsequently received packets whose headers are deleted (col. 81, lines 46-48; lines 57-67).

Referring to Claim 11, Muller discloses all aspects of the claimed invention and further teaches means for immediately transmitting the receiving packet to the receiving buffer without storing the receiving packet in the second means when the receiving packet is a non-accumulation packet (col. 5, lines 48-53).

Referring to Claim 12, Muller discloses all aspects of the claimed invention and further teaches an L3 switch which has a packet transfer function in a network layer made in a hardware form and transmits a plurality of receiving packets addressed to itself to the second means (col. 5, lines 52-57).

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Referring to Claim 13, Muller discloses all aspects of the claimed invention and further teaches transmitting a plurality of receiving packets addressed to itself to the second means (col. 7, lines 38-45).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Odenwald, Jr. (US Patent 6,310,884) discloses data transfer that allocate storage based upon a received relative offset
- Chapman et al. (US Patent 6,233,245) discloses management of bandwidth in a data communication network
- Almulhem et al. (US Patent 6,574,230) discloses scheduling technique fore delayed queue service
- Spinney et al. (US Patent 6,226,267) discloses system and process for application level flow connection of data processing networks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne Q. Ha whose telephone number is 703-305-8392. The examiner can normally be reached on Monday-Friday 7a.m.-4p.m. Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

YQH  
August 6, 2003

  
RICKY NGO  
PRIMARY EXAMINER